

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

DEC 27 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ralph Thompson dba
Thompson Tree Service
8661 Beechwood Drive
Alta Loma, CA 91701

Re: Call Sign WIH275
Compliance File No. 93L778

Dear Licensee:

The Commission has been informed that the above-captioned radio system may no longer be in operation. Our Rules require the licensee of a station which has permanently discontinued operation to forward the license to the Commission for cancellation. 47 CFR Sec. 90.157. Any station which has not operated for more than one year is considered to have been permanently discontinued.

Please inform us within twenty (20) days of the date of this letter as to whether you have permanently discontinued operation. If your system has ceased operation, please forward the station license to our office. Alternatively, you may notify the Commission by checking the appropriate box on FCC Form 405-A (enclosed), which states that your station has discontinued operation and that you request license cancellation. If you are using these facilities, please provide the dates that your facilities were constructed and operational. Licensees whose licenses are due for renewal and who have received an FCC Form 574-R in the mail may use the appropriate box on that form to notify the Commission that station operation has discontinued and that the license should be cancelled.

We are authorized to request this information pursuant to the Communications Act of 1934, as amended, 47 U.S.C. Sec. 308(b).

When responding to this office, please verify that the above-listed mailing address for your system is correct. If we do not hear from you within 20 days, your license for the above-captioned station will be cancelled without any other correspondence generated by this office. Please send your reply to: Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245, Attention: Compliance - Room 41. If you have any questions, you may telephone our legal staff at (717) 337-1311, extension 133.

Your attention should be directed to Title 18, U.S.C. Section 1001, in which Congress has determined that a wilful false reply to a letter of this type may result in fine or imprisonment.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Riley Hollingsworth". The signature is written in a cursive, slightly slanted style.

W. Riley Hollingsworth
Deputy Chief, Licensing Division

amw/thompson/rah

EXHIBIT JAK-3

FEDERAL COMMUNICATIONS COMMISSION
Gettysburg, PA 17325-7245

92 L701

November 16, 1992

American Eagle Productions
1733 S. Douglas Road #6
Anaheim, CA 92806

Re: Call Sign WIG988

Dear Licensee:

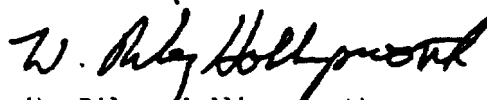
The Commission has been informed that the above-captioned radio system may no longer be in operation.

On October 2, 1992, we forwarded a letter to you by certified mail, requesting information about this radio system. Our October 2, 1992 letter has been returned to us by the Post Office, for failure to be picked up by you, the addressee.

We have attached a copy of our October 2, 1992 information request. Please inform us within 30 days of the date of this letter (i.e., 30 days from November 16, 1992) as to whether you have permanently discontinued operation. Please provide the documentation requested in our attached letter when responding to us. Please remember that if you are using these facilities, you must provide us with the dates that your facilities were constructed and operational.

If we do not hear from you within 30 days, your license will be cancelled without any other correspondence generated by this office.

Sincerely,



W. Riley Hollingsworth
Deputy Chief, Licensing Division

FEDERAL COMMUNICATIONS COMMISSION
Gettysburg, PA 17325-7245

March 29, 1994

Ralph Thompson dba
Thompson Tree Service
8661 Beechwood Drive
Alta Loma, CA 91701

Re: Call Sign WIH275
Compliance File No. 93L778

Dear Licensee:

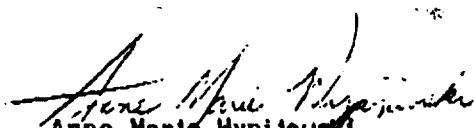
The Commission has been informed that the above-captioned radio system may no longer be in operation.

On December 27, 1993, we forwarded a letter to you by certified mail, requesting information about this radio system. To date, we have not received a response to this letter.

We have attached a copy of our December 27, 1993 information request. Please inform us within 20 days of the date of this letter (i.e., 20 days from March 29, 1994), as to whether you have permanently discontinued operation. Please provide the documentation requested in our attached letter when responding to us. Please remember that if you are using these facilities, you must provide us with the dates that your facilities were constructed and operational.

As stated in Mr. Hollingsworth's attached letter, if we do not hear from you within 20 days, your license will be cancelled without any other correspondence generated by this office.

Sincerely,


Anne Marie Wypijewski
Attorney, Licensing Division

Enclosures

EXHIBIT JAK-4

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

JAN 31 1994

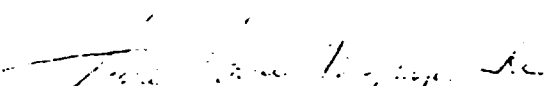
In Reply Refer To:

Cornelia Dray
Chino Hills Patrol
P.O. Box 1814
Chino, California 91708-1814

Dear Mr. Dray:

Please find enclosed for your information a copy of a letter
mailed today to James A. Kay, Jr.

Sincerely,


Anne Marie Wypijewski
Attorney, Licensing Division

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

JAN 31 1994

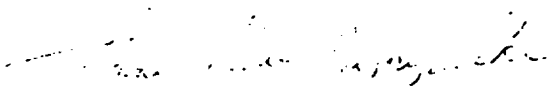
In Reply Refer To:

Gary Van Diest
Van Diest Brothers, Inc.
15315 So. Lakewood Boulevard
Paramount, California 90723

Dear Mr. Diest:

Please find enclosed for your information a copy of a letter
mailed today to James A. Kay, Jr.

Sincerely,


Anne Marie Wypijewski
Attorney, Licensing Division

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

JAN 31 1994


In Reply Refer To:

Dr. Michael Steppe
3417 Chino Avenue
Chino, California 91710

Dear Dr. Steppe:

Please find enclosed for your information a copy of a letter
mailed today to James A. Kay, Jr.

Sincerely,


Anne Marie Wypijewski
Attorney, Licensing Division

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

JAN 31 1994

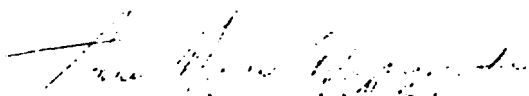
In Reply Refer To:

Mr. Edward Cooper
c/o Fullerton School District
1401 West Valencia Drive
Fullerton, California 92633

Dear Mr. Cooper:

Please find enclosed for your information a copy of a letter
mailed today to James A. Kay, Jr.

Sincerely,


Anne Marie Wypijewski
Attorney, Licensing Division

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

JAN 3 1 1994

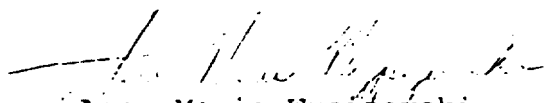
In Reply Refer To:

Harold Pick
c/o CCS
P.O. Box 3032
Santa Monica, California 90408

Dear Mr. Pick:

Please find enclosed for your information a copy of a letter
mailed today to James A. Kay, Jr.

Sincerely,



Anne Marie Wypijewski
- Attorney, Licensing Division

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

JAN 31 1994

In Reply Refer To:

Christopher C. Killian
Carrier Communications
42326 North 10th Street West
Lancaster, California 93534

Dear Mr. Killian:

Please find enclosed for your information a copy of a letter
mailed today to James A. Kay, Jr.

Sincerely,

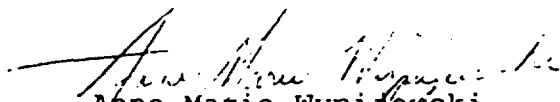

Anne Marie Wypisewski
Attorney, Licensing Division

EXHIBIT JAK-5

UNITED STATES GOVERNMENT

MEMORANDUM

DATE: September 15, 1994

REPLY TO

ATTN OF: W. Riley Hollingsworth *WRH*
Deputy Chief, Licensing Division

SUBJECT: James A. Kay, Jr.
Draft, Order to Show Cause

TO: Ralph A. Haller
Chief, Private Radio Bureau

THRU: Gary L. Stanford *GLS*
Chief, Licensing Division

After receiving complaints from several sources that James A. Kay, Jr. had not constructed some stations for which he holds licenses (including stations located on National Forest Service land) and that Kay falsely reports his loading, we sent Kay a § 308(b) letter requesting an inventory of his licenses, copies of Kay's forest service permits, and Kay's billing records. Kay requested and received three extensions of time, clarification of the information sought, confidentiality and some assurance that proprietary information would be kept confidential. Kay then refused to provide the information we sought stating through counsel that "there is no date...for which submission of the requested information would be convenient". Mass Media Hearing Division has indicated that they would put this case on for us. Whether they do it, or Common Carrier Enforcement or someone in PRB, it should be started very soon according to OGC. That office is handling Kay's FOIA litigation. With the present workload of the Licensing Division legal staff, it is imperative that we not put on the case, although of course my staff and the examiners would enthusiastically help out.

Our records show that Kay has more than one hundred and sixty licenses in the land mobile services concentrated in the L.A. market. He also does business and holds additional licenses under other names. His licenses include trunked and conventional SMR licenses as well as business radio service licenses. Almost all of these licenses allow Kay to provide for profit communication service.

The primary purpose of the attached order to show cause is to preserve our ability to require responses to § 308(b) letters. We feel that failing to follow through on our request for

information may jeopardize our ability to administer an effective compliance program.

We have confidence that discovery will reveal that not all of Kay's stations are constructed, and that he exaggerates his loading to avoid the consequences of our channel sharing and channel recovery provisions. We included in the draft order miscellaneous allegations including possible misuse of Commission forms. These are based on various reports received from licensees. OGC and Mass Media Hearing Division have worked with us on the Order to Show Cause and have approved it.

We have not included Appendix A which would list Kay's known licenses.

Draft
14:59 9/15/94

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

JAMES A. KAY, JR.

Order to Show Cause
why more than one
hundred sixty four Part 90
licenses should not
be revoked or cancelled.

Order to Show Cause
why Kay should not be
ordered to cease and
desist from certain
violations of Commission
rules.

ORDER TO SHOW CAUSE AND
HEARING DESIGNATION ORDER

Adopted:

Released:

By the Commission:

1. The Commission has before it for consideration more than one hundred sixty four land mobile licenses¹ authorized under Part 90 of the Commission's Rules. 47 C.F.R. § 90.1 et seq. The licensee, James A. Kay, Jr., has failed to respond to Commission requests for written statements of fact. In addition, we have reason to believe he has failed to comply with the Commission's Rules, and may not possess the character qualifications necessary to be a Commission licensee. For the reasons that follow, we will order Kay to show cause why his licenses should not be revoked or cancelled, and designate the matter for a hearing before an administrative law judge.

2. In response to complaints regarding the construction and operational status of a number of Kay's licensed facilities, on January 31, 1994, Commission staff requested additional information to determine whether Kay had committed rule violations by operating systems in the trunked mode that were licensed for conventional use and by not meeting the construction and placed-in-operation requirements of the Commission's Rules. 47 C.F.R. §§ 90.155, 90.631 and 90.633. This letter also requested information to enable the staff to determine if stations licensed to Kay have permanently discontinued operation in violation of our rules. 47 C.F.R. § 90.157. The letter also directed Kay to provide information detailing the loading of end users on Kay's base stations in order to assess Kay's compliance with our "forty mile" rule, which prohibits licensees from obtaining additional license grants within forty miles of an existing station until the existing station is loaded

¹ See Appendix A.

to 70 mobile units per channel, and to apply our channel sharing and recovery provisions. 47 C.F.R. §§ 90.623, 90.627, 90.631 and 90.633.

3. We have received complaints that some of Kay's stations are not constructed. Because many of the stations are licensed to operate from mountain peaks managed by the U.S. Forest Service in the Los Angeles area, U.S. Forest Service permits are required to construct and operate on the peaks. In order to assess compliance with our construction and operation requirement, the staff requested that Kay identify the stations for which he holds FCC licenses as well as those he manages. The staff directed Kay to note those that are on U.S. Forest Service land.

4. Information available to the Commission also includes that James A. Kay, Jr. has done business under a number of assumed names. We believe these names include some or all of the following: Air Wave Communications, John C. Allen dba Buddy Sales, Buddy Corp., Buddy Sales, Buddys Sales, Buddy Corp. dba Buddy Sales, Buddy Corp. dba Southland Communications, Consolidated Financial Holdings, Hessman Security, Roy Jensen, James Kay, James A. Kay, Jr., Lucky's Two Way Radio, Luckys Two Way Radio, Luckys Two Way Radios, MetroComm, Multiple M Enterprises, Inc., Oat Trunking Group, Oat Trunking Group, Inc., Marc Sobel dba Airwave Communications, Southland Communications, Southland Communications, Inc., Steve Turelak, Triple M Enterprises, Inc., V&L Enterprises, and VSC Enterprises. The inquiry letter sent to Kay directed that he identify all station licenses he holds under all names under which he does business.

5. The letter also requested that Kay substantiate the loading of his stations by providing customer lists and telephone numbers. Such business records are the Commission's generally acceptable proof of loading. Kay was assured that proprietary information would be considered confidential.

6. Kay filed a response that provided none of the requested information. He simply referenced some dissimilar information provided to the Commission staff at other times. Kay failed to provide the requested information after numerous extensions of time, responding at one point that "there is no date...for which submission of the requested information would be convenient". Accordingly, we will designate this matter for hearing to determine Kay's fitness to remain a Commission licensee, in light of his conduct and his refusal to respond to the Commission inquiry.

7. We have also received complaints from various parties that James A. Kay, Jr. misused the Commission's processes. For example, licensees have complained that Kay has fraudulently induced them to sign blank Commission forms seeking modification of license. Kay allegedly then uses the form to cancel the licenses.

8. Accordingly, IT IS ORDERED that pursuant to Section 312(a) of the Communications Act of 1934, as amended, James A. Kay, Jr. is directed to show cause why his licenses should not be revoked or cancelled² at a hearing before an Administrative Law Judge, at a time and place to be designated in a subsequent Order, upon the following issues:

a) To determine whether James A. Kay, Jr. has abused the Commission's processes by failing to respond to a Commission inquiry;

b) To determine whether James A. Kay, Jr. has violated Section 1.17 of the Commission's Rules, 47 C.F.R. § 1.17, by failing to respond to a Commission inquiry;

² Several of the rule violations discussed above are subject to an automatic cancellation condition: if the licensee does not meet his or her construction deadline, or if the licensee permanently discontinues operation, the license cancels automatically. See e.g., 47 C.F.R. §§ 90.157, 90.631 and 90.633.

c) To determine whether James A. Kay, Jr. has exceeded his license authority by operating systems in the trunked mode that were authorized for conventional use and to determine if he has violated any of the following: Sections 90.155, 90.157, 90.623, 90.627, 90.631, and 90.633 of the Commission's Rules, 47 C.F.R. §§ 90.155, 90.157, 90.623, 90.627, 90.631, and 90.633;

d) To determine if any of James A. Kay, Jr.'s licenses have automatically cancelled as a result of violations listed in subparagraph (c);

e) To determine whether James A. Kay, Jr. has misused the Commission's processes in order to defraud other licensees;

f) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether James A. Kay, Jr. is qualified to remain a Commission licensee; and

g) To determine whether Kay should be ordered, pursuant to Section 312(b) of the Communications Act of 1934, as amended, to cease and desist from violation of Commission Rules 1.17, 90.155, 90.157, 90.623, 90.627, 90.631, 90.633, 47 C.F.R. §§ 1.17, 90.155, 90.157, 90.623, 90.627, 90.631, 90.633.

9. IT IS FURTHER ORDERED that the above issues be consolidated for hearing pursuant to Section 1.227(a)(2) of the Commission's Rules.

10. IT IS FURTHER ORDERED that the Chief, Private Radio Bureau SHALL BE a party to the proceeding.

11. IT IS FURTHER ORDERED, that to avail themselves of the opportunity to be heard, the parties, pursuant to Section 1.91(c) of the Commission's rules, in person or by attorney, shall file with the Commission within thirty (30) days of the receipt of the Order to Show Cause and Hearing Designation Order a written appearance stating that they will appear at the hearing and present evidence on the matters specified in the Order. If a party fails to file an appearance within the time specified, the right of that party to a hearing shall be deemed to have been waived. See Section 1.92(a) of the Commission's rules. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty (30) days of the receipt of the Order to Show Cause and Hearing Designation Order. See Section 1.92(a) of the Commission's rules. In the event the right to a hearing is waived by all the parties to this proceeding, the presiding Officer, or the Chief Administrative Law Judge if no presiding officer has been designated, will terminate the hearing proceeding and certify the case to the Commission in the regular course of business and an appropriate order will be entered. See Section 1.92(c) of the Commission's rules.

12. IT IS FURTHER ORDERED that the burden of proceeding with the introduction of evidence and the burden of proof shall be on the Private Radio Bureau.

13. IT IS FURTHER ORDERED that the Secretary send a copy of this order via certified mail-return receipt requested to Dennis K. Brown, Esquire, Brown and Schwaninger, P.C., 1835 K Street N.W., Suite 650, Washington, D.C. 20006, and have this order or a summary thereof published in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

EXHIBIT JD-1

FEDERAL COMMUNICATIONS COMMISSION
FEE PROCESSING FORM

FOR
FCC
USE
ONLY

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)

United Corp of So. Cal. & James A. Kay, Jr.

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)

c/o Robert J. Keller, P.C.

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)

4200 WISCONSIN AVE NW #106-233

CITY

WASHINGTON

STATE OR COUNTRY (If foreign address)

DC

ZIP CODE

20016-2143

CALL SIGN

OTHER FCC IDENTIFIER

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)

(B)

(C)

FEE TYPE CODE

FEE MULTIPLE
(If required)

FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

(1)

C I Z

2

\$ 150.00

SECTION II

— To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)

(B)

(C)

FEE TYPE CODE

FEE MULTIPLE
(If required)

FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED
WITH THIS APPLICATION
OR FILING

\$ 300.00

FOR FCC USE ONLY

ROBERT J. KELLER, P.C.
2000 L STREET, N.W., SUITE 200
WASHINGTON, D. C. 20038

2186
15-154/540

20 May 19 97

PAY
TO THE
ORDER OF **Federal Communications Commission**

\$ 300.00

Three Hundred and 00/100

DOLLARS ☒ Security features
included.
Details on back.

FRANKLIN
NATIONAL BANK

1000 L STREET, N.W.
WASHINGTON, D.C. 20004

FOR

Robert J. Keller

⑆002186⑆ -⑆054001547⑆ 10112429⑆ 12

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

| | | |
|---|---|----------------|
| In the matter of |) | |
| |) | |
| United Corporation of Southern California, |) | |
| |) | |
| And |) | |
| |) | |
| James A. Kay, Jr., |) | |
| |) | |
| Complainants |) | |
| |) | |
| - versus - |) | File No. _____ |
| |) | |
| Jim Doering d/b/a |) | |
| J. Doering Communications |) | |
| |) | |
| and |) | |
| |) | |
| Harold Pick d/b/a |) | |
| Communications Consultants Systems, |) | |
| |) | |
| Defendants |) | |
| To: Chief, Enforcement Division Wireless Telecommunications Bureau | | |

**FORMAL COMPLAINT, PETITION FOR DECLARATORY RULING,
AND INFORMAL REQUEST FOR COMMISSION ACTION**

United Corporation of Southern California ("United") and James A. Kay, Jr. ("Kay"), pursuant to Section 208 of the Communications Act of 1934, as amended, 47 U.S.C. § 208; Sections 1.711 and 1.720-1.735 of the FCC Rules and Regulations, 47 C.F.R. §§ 1.711 & 1.720-1.735; Section 5(d) of the Administrative Procedure Act, 5 U.S.C. § 554(e); Section 1.2 of the FCC Rules and Regulations, 47 C.F.R. § 1.2; and Section 1.41 of the FCC Rules and Regulations, 47 C.F.R. § 1.41; hereby commences this action against Jim Doering d/b/a Doering Communications, ("Doering") and Harold Pick d/b/a Communications Consultants Systems ("Pick")¹ in support whereof the following is respectfully shown:

¹ This complaint is being filed against both Doering and Pick because it is alleged that they have acted in concert, see 47 C.F.R. § 1.735(a), in that Pick was aware of, had a motive for, and may have participated in the wrongdoing alleged against Doering. The appropriate filing fee has been submitted as to both Defendants, and the original and six copies (three for each Defendant) of the complaint have been filed.

I. FORMAL COMPLAINT

A. Factual Allegations

1. Complainant United is a corporation, doing business under the name Hotline Cleaning Center and Maintenance Company, engaged in the sales and service of high pressure cleaning equipment and the performance of contract cleaning. Mr. Robert L. Springfield ("Springfield") is the sole shareholder of United. Springfield retired from full-time employment in September of 1995, turning day-to-day operations over to his son, but he retains his voting control and continues to oversee all major business decisions. United's business address and telephone number are:

United Corporation of Southern California
542 East Central Park
Anaheim, CA 92802
714-533-4906

2. Complainant Kay is an individual engaged in the land mobile radio business, including the operation of Specialized Mobile Radio Systems, in the Los Angeles, California, area. Complainant Kay is a commercial competitor of both Defendant Doering and Defendant Pick in the Los Angeles mobile radio business. Kay's full name, business mailing address, and business telephone number are:

James A. Kay, Jr.
P.O. Box 7890
Van Nuys, CA 91409-7890
818-997-7700

3. Defendant Doering is an individual, doing business under the name J. Doering Communications, engaged in the land mobile radio business, including the operation of Specialized Mobile Radio Systems, in the Los Angeles, California, area. Doering and Kay are commercial competitors in the Los Angeles mobile radio business. Complainant's full name, mailing address, and telephone number are:

James Doering
511 South Palm Avenue, Unit 2
Alhambra, CA 91803
818-308-0398

Defendant Doering is believed to be represented by the following legal counsel in this matter:

Lewis H. Goldman, Esq.
1850 M Street, N.W. - Suite 1080
Washington, D.C. 20036

4. Defendant Pick is an individual, doing business under various names, including Communications Consultants Systems, engaged in the land mobile radio business, including the operation of Specialized Mobile Radio Systems, in the Los Angeles, California, area. Pick and Kay are commercial competitors in the Los Angeles mobile radio business. Pick's full name, mailing address, and telephone number are:

Harold Pick
350 Mesa Drive
Santa Monica, CA 90402
310-454-9561

Complainants do not know whether Defendant Pick is represented by legal counsel in this matter.

5. In connection with its business operations, United uses, and has at various times in the past used, one or more mobile radios for dispatching and communications. To provide for these communications needs, United obtained an FCC authorization for Business Radio Service Station WNMT733, to operate a repeater on the frequency pair 808/853.0375 MHz at Santiago Peak in El Toro (Orange County) California. In November of 1993 the FCC renewed United's authorization for a new term expiring November 11, 1998. Exhibit No. 1 appended hereto is a true and accurate copy of United's authorization.

6. The Santiago Peak repeater was operated and maintained for United by Defendant Pick. At some point in mid-to-late 1995, but prior to September 16, 1995, Springfield entered into an oral agreement with Pick that provided for the assignment of the license from WNMT733 from United to Pick, subject to receipt of prior FCC approval, and for United to continue to receive repeater service through the facility from Pick at no charge.

7. Springfield is not involved in the land mobile radio industry and therefore does not have a sophisticated understanding of the FCC procedures and regulations applicable to these systems. Springfield understood, based on statements made to him by Pick, that it was necessary for United to assign its license to Pick in order to continue receiving repeater service. Springfield has only recently learned that there are several other options.

8. In reliance on statements made by Pick, Springfield signed an FCC Form 1046 with the understanding that it was to be used as part of an application for FCC consent to the assignment of the license from United to Pick. Springfield does not recall the exact date on which he signed the form, but it was definitely prior to September 16, 1995, the date on which Springfield was married and since which he has been retired from full-time employment. At the time Springfield signed the FCC Form 1046, it did not designate Jim Doering or J. Doering

Communications as the assignee. At that time Springfield did not know, had never met, and had never heard of Jim Doering or J. Doering Communications.

9. Springfield retired from active, full-time employment with United as of September 16, 1995, the date on which he got married. Mr. Springfield was out of the country on a honeymoon cruise from September 18, 1995 through September 22, 1995. During that time he was not asked to and he did not sign any documents relating to Station WNMT733.

10. Defendant Pick never filed an application with the FCC seeking assignment of the license for WNMT733 from United to Pick.

11. On March 21, 1997, through legal counsel, United advised Pick, in writing, that any undertaking to assign the authorization to Pick was expressly revoked because (a) more than 18 months had passed since Springfield's execution of FCC Form 1046, and (b) Pick had never filed the application with the FCC. Exhibit No. 2 appended hereto is a true and accurate copy of that notice. Pick has never responded to this written notification.

12. United has never authorized the assignment of the license for WNMT733 to any other person or entity.

13. On or about December 14, 1995, Defendant Doering caused to be filed with the Federal Communications Commission ("FCC") an application (hereinafter referred to as the "Assignment Application"), including FCC Forms 600 and 1046, seeking, among other things, FCC consent to the assignment of the license for Station WNMT733 from United to Doering. Exhibit No. 3 appended hereto is true and accurate copy of the Assignment Application.

14. Included in the Assignment Application is an FCC Form 1046 purporting to have been signed by Mr. Robert J. Springfield on September 19, 1995 and designating "Jim Doering d/b/a J. Doering Communications" as the assignee.

15. Springfield was out of the country on September 19, 1995. Springfield did not execute any FCC Form 1046 on September 19, 1995, or on any date after September 15, 1995. Springfield has never signed an FCC Form 1046 designating Jim Doering d/b/a J. Doering Communications, or any variation thereof, as the assignee.

16. Included in the Assignment Application is a document entitled, "Certificate of Construction," dated September 20, 1995, and bearing the name "Robert L. Springfield." The Certificate of Construction has the letters, characters, and words "By: Robert L. Springfield" typewritten beneath the signature line; the letters,